

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI

STATE VETERANS AFFAIRS BOARD



Contact person:
State Veterans Affairs Board
c/o Avery Mounger Lee
3466 HWY 80 East
Post Office Box 5947
Pearl, MS 39208
601-576-4857

Specific Legal Authority Authorizing the promulgation of

Rule: Miss. Code Ann., Section 35-1-7
Miss. Code Ann., Section 35-1-2
38 CFR 51.41 and 51.43(c)

Reference to Rules repealed, amended or suspended by the
Proposed Rule

Date Rule Proposed: Amendment to Mississippi Veterans Affairs Board Policies, Rules and Regulations, Section 2. Veterans Homes submitted on June 23, 2009.

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: Policy Change to comply with the provisions of 38 CFR 51.41, which stipulate that to receive increased VA per diem payments SVAB must agree not to accept drugs and medicines from VA on behalf of those veterans in need of nursing home care for a VA adjudicated service-connected disability; or who have a singular or combined service connected rating of seventy (70) percent or more based on one or more service-connected disabilities or a rating of total (100) disability based on individual unemployability and are in need of nursing home care.

Policy change to comply with provision 38 CFR 51.43(c), which authorizes a ten (10) day and a twelve (12) day bed hold in specific circumstances while resident is away from the Veterans Home.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date:
Time:
Place:

☒ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted response thereto, and
The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: August 28, 2009


Executive Director